

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CORY BONE and LUIS CARRILLO,
Individually and on behalf
of all others similarly situated,

v.

XTO ENERGY, INC.

§
§ Civil Action No. 2:20-cv-000697-RB-GJF
§
§
§ JURY TRIAL DEMANDED
§
§ COLLECTIVE ACTION
§ PURSUANT TO 29 U.S.C. § 216(b)
§
§ CLASS ACTION
§ PURSUANT TO FED. R. CIV. P. 23
§

**PLAINTIFFS' MOTION TO TRANSFER
PURSUANT TO THIS COURT'S ORDER (Doc. 58)**

1. SUMMARY

Plaintiffs Cory Bone and Luis Carrillo, individually and on behalf of all others similarly situated, ("Plaintiffs"), file this Plaintiffs' Motion to Transfer Pursuant to this Court's Order (Doc. 58). Plaintiffs brought this lawsuit alleging Defendant failed to pay them and other similarly situated workers in accordance with the Fair Labor Standards Act (FLSA). Doc. 1. On September 22, 2021, this Court entered its Memorandum Order and Opinion Granting in Part and Deferring in Part Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(2) and Fed. R. Civ. P. 12(B)(6). Doc. 58. The Order requires Plaintiffs to indicate whether they wish "this Court transfer the entire case to Delaware, where Defendant is incorporated and may be subject to general jurisdiction on all claims from the nationwide collective." *Id.* at 8. The Plaintiffs file this Motion to inform the Court they wish to transfer this case to the United States District Court for the District of Delaware.

2. CONCLUSION

Accordingly, pursuant to this Court's Order, the Plaintiffs respectfully request this Court transfer this case to the United States District Court for the District of Delaware.

Respectfully submitted,

/s/ Andrew W. Dunlap

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2021, I electronically filed the attached with the Clerk of the Court using the ECF system which will send such filing to all attorneys of record.

/s/ Andrew W. Dunlap
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